

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

The Diocese of Rochester,

Debtor.

Chapter 11

Case No. 19-20905 (PRW)

NOTICE OF FILING

PLEASE TAKE NOTICE that, in accordance with the *Administrative Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals and Members of Official Committees* [Docket No. 318] and the *Supplement and Modification to Administrative Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals and Members of Official Committees* [Docket No. 545], Burns Bair LLP has filed the *Monthly Fee Statement of Burns Bair LLP for Compensation for Services Rendered and Reimbursement of Expenses as Special Insurance Counsel to the Official Committee of Unsecured Creditors of the Diocese of Rochester for the Period March 1, 2023 through March 31, 2023*, a copy of which is attached hereto and hereby served upon you. In addition, Burns Bair LLP has provided the United States Trustee with a copy of its invoice in text format.

Dated: May 2, 2023

BURNS BAIR LLP

/s/ Timothy W. Burns

Timothy W. Burns (admitted *pro hac vice*)

Jesse J. Bair (admitted *pro hac vice*)

10 E. Doty St., Suite 600

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*Special Insurance Counsel to the Official Committee
of Unsecured Creditors of the Diocese of Rochester*

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

The Diocese of Rochester,

Debtor.

Case No. 19-20905

Chapter 11

**MONTHLY FEE STATEMENT OF BURNS BAIR LLP FOR COMPENSATION FOR
SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES AS SPECIAL
INSURANCE COUNSEL TO THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF THE DIOCESE OF ROCHESTER FOR THE PERIOD
MARCH 1, 2023 THROUGH MARCH 31, 2023**

Name of Applicant:	<u>Burns Bair LLP</u>
Authorized to Provide Professional Services to:	<u>Official Committee of Unsecured Creditors of the Diocese of Rochester</u>
Date of Retention:	<u>Effective May 26, 2021 pursuant to Order entered June 22, 2021 [Docket No. 1113]</u>
Period for which compensation and reimbursement is sought:	<u>March 1, 2023 through March 31, 2023</u>
Amount of compensation sought as actual, reasonable, and necessary:	<u>80% of \$35,147 (\$28,117.60)</u>
Amount of expense reimbursement sought as actual, reasonable, and necessary:	<u>\$49.73</u>

This is a: X monthly ___ quarterly ___ final application.

This is Burns Bair LLP's twenty-second monthly fee statement in this case.

Burns | Bair

10 E. Doty St., Suite 600
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608-286-2302
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**Official Committee of Unsecured Creditors of
The Diocese of Rochester, New York**

Issue Date : 5/2/2023

Bill # : 01101

Matter: Insurance

PROFESSIONAL SERVICES RENDERED

<u>Date</u>	<u>Timekeeper</u>	<u>Narrative</u>	<u>Hours</u>	<u>Amount</u>
3/1/2023	Timothy Burns	Participate in call with I. Scharf re insurance developments with Diocese (.1); brief review of draft mediation protocol (.2), brief review of motion to appoint mediator (.2), review and respond to email from I. Scharf re same (.1); attend part of Committee meeting re plan and ongoing developments (.6); participate in post-call with J. Bair re same and potential next-steps (.1);	1.30	\$910.00
3/1/2023	Jesse Bair	Participate in portion of state court counsel meeting re Plan and litigation issues (.6); participate in post-call with T. Burns re same and potential next-steps (.1);	0.70	\$437.50
3/1/2023	Jesse Bair	Correspondence with I. Nasatir re First State settlement status (.1);	0.10	\$62.50
3/2/2023	Jesse Bair	Additional correspondence with I. Nasatir re First State settlement status and potential counter (.1);	0.10	\$62.50
3/2/2023	Jesse Bair	Correspondence with I. Scharf and I. Nasatir re call to discuss draft stipulated judgment motion and protocols (.1);	0.10	\$62.50
3/2/2023	Jesse Bair	Analysis re third-party release issue re insurer 9019 motion (.3);	0.30	\$187.50
3/3/2023	Timothy Burns	Supplemental review re the Diocese's stipulated judgment protocol and motion to appoint mediators (.3); participate in initial conference with J. Bair re the Diocese's draft stipulated judgment protocols and motion to appoint stipulated judgment mediators (.2); participate in supplemental conference with J. Bair re same and overall litigation insurance strategy (.5); participate in portion of call re stipulated judgments with I. Nasatir and J. Bair (.3); participate call with state court counsel re stipulated judgment motion and related issues (.8);	2.10	\$1,470.00
3/3/2023	Jesse Bair	Review draft stipulated judgment protocol received from the Diocese (.3);	0.30	\$187.50

3/3/2023	Jesse Bair	Review draft motion to appoint stipulated judgment mediators received from the Diocese (.4);	0.40	\$250.00
3/3/2023	Jesse Bair	Participate in initial conference with T. Burns re the Diocese's draft stipulated judgment protocols and motion to appoint stipulated judgment mediators (.2); participate in supplemental conference with T. Burns re same and overall litigation insurance strategy (.5);	0.70	\$437.50
3/3/2023	Jesse Bair	Participate in conference with I. Nasatir and T. Burns re draft stipulated judgment protocols (.5);	0.50	\$312.50
3/4/2023	Jesse Bair	Review and edit revised draft of the joint Plan (2.3); correspondence with I. Scharf re same (.1);	2.40	\$1,500.00
3/4/2023	Timothy Burns	Review correspondence from J. Bair to I. Scharf re suggested Plan changes (.1);	0.10	\$70.00
3/6/2023	Jesse Bair	Analyze New York case law re stipulated judgment enforcement in connection with the motion to appoint stipulated judgment mediators and particular Plan provisions (.8);	0.80	\$500.00
3/6/2023	Jesse Bair	Continue reviewing and editing current draft of the motion to appoint stipulated judgment mediators (.5);	0.50	\$312.50
3/6/2023	Jesse Bair	Draft additional insurance-related edits to the Plan (.2); correspondence with I. Scharf re same (.1); additional analysis re insurance Plan strategy (.1);	0.40	\$250.00
3/6/2023	Jesse Bair	Continue reviewing and editing current draft of the stipulated judgment protocol (.4);	0.40	\$250.00
3/6/2023	Jesse Bair	Draft correspondence to I. Scharf re suggested edits to the stipulated judgment protocol and the motion to appoint stipulated judgment mediators (.2);	0.20	\$125.00
3/6/2023	Jesse Bair	Participate in conference with T. Burns and particular state court counsel re suggested edits to the stipulated judgment protocol (.2);	0.20	\$125.00
3/6/2023	Timothy Burns	Participate in conference with J. Bair and particular state court counsel re suggested edits to the stipulated judgment protocol (.2);	0.20	\$140.00
3/7/2023	Jesse Bair	Review and edit most recent version of the draft Plan circulated by I. Scharf (.8); correspondence with I. Scharf re additional suggested edits to same (.1);	0.90	\$562.50
3/7/2023	Jesse Bair	Participate in state court counsel meeting re Plan issues (.9);	0.90	\$562.50
3/8/2023	Jesse Bair	Review correspondence from I. Scharf re CNA's motions to compel (.1);	0.10	\$62.50
3/8/2023	Jesse Bair	Review correspondence from I. Scharf re updates re Plan issues (.1);	0.10	\$62.50
3/9/2023	Jesse Bair	Participate in conference with T. Burns re Plan issues (.1);	0.10	\$62.50
3/9/2023	Jesse Bair	Participate in additional conference with T. Burns re stipulated judgment protocol (.1);	0.10	\$62.50
3/9/2023	Jesse Bair	Participate in state court counsel meeting re Plan issues and other ongoing case issues (.4);	0.40	\$250.00

3/9/2023	Timothy Burns	Review correspondence from I. Scharf re hearing on motion to compel and discovery scheduling (.1); review correspondence from I. Scharf re claims reviewer (.1); review correspondence between committee professionals re potential edits to draft plan (.2); conference with J. Bair re plan draft status (.1); conference with J. Bair re stipulated judgment protocol (.1); attend state court counsel meeting re ongoing projects for insurance purposes (.4);	1.00	\$700.00
3/10/2023	Jesse Bair	Review correspondence from state court counsel re CNA's motions to compel (.1);	0.10	\$62.50
3/11/2023	Jesse Bair	Review and edit BB's third interim fee application (1.3);	1.30	\$812.50
3/11/2023	Timothy Burns	Review correspondence from state court counsel re CNA discovery issues (.1);	0.10	\$70.00
3/13/2023	Nathan Kuenzi	Participate in conference with internal BB team re case developments, strategy, and assignments (.1);	0.10	\$42.00
3/13/2023	Brian Cawley	Participate in conference with internal BB team re case developments, strategy, and assignments (.1);	0.10	\$42.00
3/13/2023	Leakhena Au	Participate in conference with internal BB team re case developments and assignments (.1);	0.10	\$42.00
3/13/2023	Alyssa Turgeon	Participate in conference with internal BB team re case developments and assignments (.1);	0.10	\$36.00
3/13/2023	Timothy Burns	Meet with BB team re ongoing projects (.1); review correspondence with the Diocese re mediation attendance (.1);	0.20	\$140.00
3/13/2023	Jesse Bair	Review CNA's letter to the Court re the UCC's requested hearing adjournment on CNA's motions to compel (.1); review Committee response letter to same (.1);	0.20	\$125.00
3/13/2023	Jesse Bair	Review correspondence from I. Scharf re case update and call (.1);	0.10	\$62.50
3/13/2023	Jesse Bair	Participate in internal BB team conference re case status and ongoing projects (.1);	0.10	\$62.50
3/14/2023	Timothy Burns	Conference with J. Bair re insurance issues in connection with draft Plan (.1); brief review of Plan documents in advance of state court counsel meeting (.8); participate in state court counsel meeting for insurance purposes (.5); participate in post-meeting call with committee professionals re Plan finalization and stipulated judgment protocol (.3);	1.70	\$1,190.00
3/14/2023	Jesse Bair	Review and edit most recent version of the draft Plan (.6); participate in conference with T. Burns re insurance issues in connection with same (.1);	0.70	\$437.50
3/14/2023	Jesse Bair	Review current version of the motion to appoint stipulated judgment mediators (.1);	0.10	\$62.50
3/14/2023	Jesse Bair	Review draft trust allocation protocol (.3);	0.30	\$187.50
3/14/2023	Jesse Bair	Draft correspondence to PSZJ team outlining potential additional insurance-related edits to the Plan (.2); follow-up correspondence with I. Nasatir and I. Scharf re same (.1);	0.30	\$187.50

3/14/2023	Jesse Bair	Participate in state court counsel meeting re Plan issues for insurance purposes (.5);	0.50	\$312.50
3/14/2023	Jesse Bair	Participate in call with I. Nasatir, I. Scharf, and T. Burns re insurance issues in connection with Plan finalization and stipulated judgment protocol (.3);	0.30	\$187.50
3/15/2023	Jesse Bair	Participate in Committee meeting re Plan issues and case update for insurance purposes (1.0);	1.00	\$625.00
3/15/2023	Timothy Burns	Participate in Committee meeting re Plan issues for insurance purposes (1.0);	1.00	\$700.00
3/17/2023	Jesse Bair	Review final version of BB's third interim fee application (.1);	0.10	\$62.50
3/18/2023	Timothy Burns	Analyze case law regarding stipulated judgments/settlements in connection with ongoing Plan, settlement, and litigation issues (3.6);	3.60	\$2,520.00
3/20/2023	Jesse Bair	Review agenda for state court counsel meeting (.1);	0.10	\$62.50
3/20/2023	Jesse Bair	Review revised draft of proposed non-monetary Plan terms (.1);	0.10	\$62.50
3/21/2023	Brian Cawley	Analysis re the ability of an injured party to provide notice instead of a policyholder under New York Insurance Law Section 3420 (1.8); draft summary of Section 3420 research (.2);	2.00	\$840.00
3/21/2023	Jesse Bair	Review B. Cawley email memorandum re the insurers' purported late notice defense (.1);	0.10	\$62.50
3/21/2023	Jesse Bair	Review correspondence from I. Scharf re Plan issues (.1);	0.10	\$62.50
3/23/2023	Nathan Kuenzi	Participate in BB team meeting re case developments and associated projects (.2);	0.20	\$84.00
3/23/2023	Leakhena Au	Participate in BB team meeting re case developments and associated projects (.2);	0.20	\$84.00
3/23/2023	Alyssa Turgeon	Participate in BB team meeting re ongoing case development and projects (.2);	0.20	\$72.00
3/23/2023	Brian Cawley	Participate in BB team meeting re case developments and associated projects (.2);	0.20	\$84.00
3/23/2023	Brian Cawley	Additional research re claimant notice requirements under New York Insurance Law Section 3420 (.3); draft summary of research findings (.1);	0.40	\$168.00
3/23/2023	Timothy Burns	Review revised version of draft Plan for insurance purposes and to suggest changes re same (2.9); participate in BB team meeting re ongoing case development and projects (.2);	3.10	\$2,170.00
3/23/2023	Jesse Bair	Participate in BB team meeting re case developments and associated projects (.2);	0.20	\$125.00
3/23/2023	Jesse Bair	Review and edit revised version of the Plan (.3); review and respond to correspondence with I. Scharf re suggested edits to same (.2); review and edit further revised version of the Plan received from the Diocese (.2); review and edit newest iteration of the Plan (.2);	0.90	\$562.50
3/23/2023	Jesse Bair	Review CNA's claim objection to POC No. 1 (.2);	0.20	\$125.00
3/23/2023	Jesse Bair	Review I. Scharf correspondence re CNA's claim objections (.1);	0.10	\$62.50

3/24/2023	Jesse Bair	Review revised version of the Diocese's Disclosure Statement (1.0);	1.00	\$625.00
3/24/2023	Jesse Bair	Review T. Burns' suggested edits to the Plan (.1); review I. Scharf response to same (.1);	0.20	\$125.00
3/24/2023	Jesse Bair	Review correspondence with I. Scharf and the Committee re Plan and case updates (.1);	0.10	\$62.50
3/24/2023	Jesse Bair	Brief review of final version of the Plan (.1);	0.10	\$62.50
3/24/2023	Timothy Burns	Draft email memo to I. Scharf re suggested plan changes (.8); review correspondence from I. Scharf re suggested Plan changes (.1); review correspondence from I. Scharf re plan filing and CNA's claims objections (.1); review and respond to additional correspondence from I. Scharf re CNA's claims objections (.1); review correspondence from B. Cawley and research re late notice issues (.1); review CNA's objections to claims (.2); review CNA's earlier joinder in claims objections of Diocese (.1); review J. Bair's email re suggested changes to portions of the Plan (.1);	1.60	\$1,120.00
3/25/2023	Jesse Bair	Correspondence with PSZJ and T. Burns re call to discuss CNA objections (.1);	0.10	\$62.50
3/27/2023	Timothy Burns	Conference with J. Bair re CNA objections to claims (.1); conference with J. Bair re Interstate's motion to lift stay (.1); participate in call with PSZJ and J. Bair re CNA's objections and Interstate's motion (.4); review agenda for state court counsel meeting (.1); multiple emails with A. Turgeon re dockets in insurance adversary and factual research issue (.2); review adversary proceeding docket in connection with Interstate's motion (.2); participate in weekly state court counsel meeting for insurance purposes (.5);	1.60	\$1,120.00
3/27/2023	Leakhena Au	Conference with B. Cawley re CNA's coverage denials in connection with CNA's claim objection motion (.2);	0.20	\$84.00
3/27/2023	Jesse Bair	Conference with T. Burns re CNA's claims objections (.1);	0.10	\$62.50
3/27/2023	Jesse Bair	Participate in conference with T. Burns re Interstate's motion to lift the stay on the insurance adversary proceeding (.1);	0.10	\$62.50
3/27/2023	Jesse Bair	Participate in call PSZJ and T. Burns re ongoing case insurance issues, including CNA's claim objections and Interstate's motion to lift stay (.4)	0.40	\$250.00
3/27/2023	Jesse Bair	Review agenda for state court counsel meeting (.1); participate in state court counsel meeting re Plan and other ongoing litigation issues for insurance purposes (.5);	0.60	\$375.00
3/27/2023	Jesse Bair	Review Interstate's motion to lift the stay of the insurance adversary proceeding (.3); review the Court's prior order permitting the Committee's intervention in the insurance adversary proceeding in connection with same (.1);	0.40	\$250.00

3/27/2023	Jesse Bair	Provide instructions to B. Cawley re additional analysis needed re CNA coverage denials and drafting of insurance section of the Committee's motion to dismiss or adjourn CNA's claims objections (.3);	0.30	\$187.50
3/27/2023	Jesse Bair	Review B. Cawley analysis re CNA coverage position on the 38 POCs subject to CNA's claims objections (.1); correspond with B. Cawley re same (.1);	0.20	\$125.00
3/27/2023	Jesse Bair	Analyze B. Cawley email memorandum re an insurer's forfeiture of its ability to control the defense after breaching the duty to defend (.1);	0.10	\$62.50
3/27/2023	Brian Cawley	Analyze case law re an insurer's forfeiture of its ability to control the defense after breaching the duty to defend in connection with CNA's claim objection motion (.6); draft summary of research re same for J. Bair (.2);	0.80	\$336.00
3/27/2023	Brian Cawley	Discuss new project on insurer right to control defense with J. Bair in connection with CNA's claim objection motion (.3);	0.30	\$126.00
3/27/2023	Brian Cawley	Analyze prior CNA coverage correspondence to identify specific denial letters for each of the POCs objected to by CNA (3.2); begin supplemental research re right to control defense issue in connection with the Committee's response to CNA's claim objection motion (1.2);	4.40	\$1,848.00
3/27/2023	Brian Cawley	Conference with L. Au re CNA's coverage denials in connection with CNA's claim objection motion (.2);	0.20	\$84.00
3/28/2023	Brian Cawley	Continue supplemental research re right to control defense issue in connection with the Committee's response to CNA's claim objection motion (1.2); begin drafting insurance section of the Committee's motion to dismiss or adjourn CNA's claim objections (2.8);	4.00	\$1,680.00
3/28/2023	Jesse Bair	Additional analysis re CNA's claim objections (.1); correspond with V. Newmark re same (.1);	0.20	\$125.00
3/28/2023	Jesse Bair	Review correspondence from I. Scharf and B. Michael re potential abuse claims reviewer (.1);	0.10	\$62.50
3/28/2023	Jesse Bair	Answer B. Cawley questions re insurance section of the Committee's motion to dismiss or adjourn CNA's claim objections (.1);	0.10	\$62.50
3/29/2023	Jesse Bair	Review initial version of draft insurance section prepared by B. Cawley for the Committee's motion to dismiss CNA's claim objections (.3); supplemental legal research re an insurer's inability to "cure" a prior denial of coverage and forfeiture of the ability to control the defense (.6); review prior CNA coverage correspondence re its denials of coverage and prior CNA claim objection joinders in connection with motion to dismiss (.3); draft revised version of insurance section to the Committee's motion to dismiss CNA's claim objections (1.4); correspondence with PSZJ team re same (.1);	2.70	\$1,687.50

3/29/2023	Jesse Bair	Correspondence with B. Cawley re copies of CNA coverage denials for each claim objected to by CNA (.1); participate in follow-up conference with B. Cawley re same (.1);	0.20	\$125.00
3/29/2023	Jesse Bair	Correspondence with J. Carter re additional CNA coverage correspondence (.1);	0.10	\$62.50
3/29/2023	Jesse Bair	Participate in Committee meeting re ongoing case issues for insurance purposes (.5);	0.50	\$312.50
3/29/2023	Brian Cawley	Additional analysis re prior CNA coverage correspondence to identify specific denial letters for each of the POCs objected to by CNA for potential use as motion exhibits (2.3);	2.30	\$966.00
3/29/2023	Brian Cawley	Correspondence with B. Cawley re copies of CNA coverage denials for each claim objected to by CNA (.1); participate in follow-up conference with J. Bair re same (.1);	0.20	\$84.00
3/30/2023	Jesse Bair	Review CNA's supplement to its Rule 2004 and 2019 motions to compel (.1);	0.10	\$62.50
3/30/2023	Jesse Bair	Correspondence with B. Michael re the Committee's motion to dismiss CNA's claim objections (.1);	0.10	\$62.50
3/31/2023	Jesse Bair	Review the Diocese's letter motion and corresponding order re adjournment of Interstate's motion to lift the stay on the insurance adversary proceeding (.1);	0.10	\$62.50
3/31/2023	Jesse Bair	Analysis re LMI Plan issues (.1); review correspondence with I. Scharf re same (.1);	0.20	\$125.00
3/31/2023	Jesse Bair	Analysis re potential next-steps re Interstate's motion to lift the stay (.1);	0.10	\$62.50
Total Hours and Fees			59.40	\$35,147.00

EXPENSES

<u>Date</u>	<u>Description</u>	<u>Amount</u>
3/1/2023	CloudNine, database monthly hosting fee (February 2023)	\$45.38
3/17/2023	Postage	\$4.35
Total Expenses		\$49.73

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Alyssa Turgeon	0.30	\$360.00	\$108.00
Brian Cawley	14.90	\$420.00	\$6,258.00
Jesse Bair	25.80	\$625.00	\$16,125.00
Leakhena Au	0.50	\$420.00	\$210.00
Nathan Kuenzi	0.30	\$420.00	\$126.00
Timothy Burns	17.60	\$700.00	\$12,320.00